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09/845,397	04/30/2001	Burl Shannon Hinkle	17243-00037	2721
7590	05/18/2005			EXAMINER GRAYSAY, TAMARA L
John S. Beulick Armstrong Teasdale LLP One Metropolitan Sq., Suite 2600 St. Louis, MO 63102			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/845,397	HINKLE, BURL SHANNON
	Examiner Tamara L. Graysay	Art Unit 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 November 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1 page.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION*****Preliminary Matters***

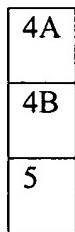
1. The preliminary amendment filed 08 November 2005 has been entered.

***Drawings***

2. The drawings are objected to because of the following:

- a. They fail to comply with 37 CFR 1.84(h)(2) because partial views drawn on separate sheets must always be capable of being linked edge to edge so that no partial view contains parts of another partial view. In the present application, for example, it appears that the first column of each of the partial views in FIGs. 17A, 17B, 18A, 18B, 19A, 19B, etc. contain the year which are part of the partial views in FIG. 15A, 15B, 16A, 16C.

- b. They fail to comply with 37 CFR 1.84(h)(2) because a smaller scale view should be included showing the whole formed by the partial views and indicating the position of the parts shown. In the present application, the smaller view should show the position of each set of partial views, for the current numbering of the figures here are two examples:



6	7	8	9	10	11
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- c. They fail to comply with 37 CFR 1.84(u)(1) because partial views must be identified by the same number followed by a capital letter. In the present application, FIG. 5 is part of the whole that includes FIG. 4A and 4B, FIG. 6-11 are a whole, etc.
- d. FIG. 2 appears to depict alternative embodiments in the same figure. Each alternative embodiment should be depicted in a separate view as set forth in 37 CFR 1.84(h)(5). Namely, LAN/WAN/Internet/Intranet as described in the specification at ¶0026.
- e. They fail to comply with 37 CFR 1.84(i) because the words must appear in a horizontal, left-to-right fashion when the page is either upright or turned so that the top becomes the right side. See for example, FIG. 4A, FIG. 12, etc.
- f. They fail to comply with 37 CFR 1.84(m) because the shading (FIG. 12) does not aid in understanding the invention and reduces legibility.
- g. They fail to comply with 37 CFR 1.84(m) because solid black shading (FIG. 2) is not permitted.
- h. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment that includes both a storage device for storing information and a database, as recited in claim 36, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
- i. FIG. 4B, the reference at the top of the sheet should be FIG. 4A, not FIG. 4B.
- j. FIG. 4B, at row number 570, in other views, and in the claims the feature is labeled as “payment application” however, in the specification at ¶0041, the feature is

described as a record application. Consistent terminology should be used throughout the application.

k. FIG. 7 through 11 the summary of the FTEs at the top of each figure should be labeled since the designation is not the same as in FIG. 6.

l. They fail to comply with 37 CFR 1.84(p)(4) because reference character "102" has been used to designate both "spreadsheet" (FIG. 5, ¶0082) and "scenario run button" status (FIG. 4A (unlabeled), ¶0093).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The disclosure is objected to because of the following informalities:

a. ¶0030, the term "daily capacity" is repeated in the second sentence.

- b. ¶0088, the feature “average hourly wage – client services is not depicted in the drawings.
- c. ¶0098, the description of FIG. 9 is inconsistent (maximum at line 1 and current at line 11) with that which is shown at the top of the figure.
- d. The use of acronyms is acceptable, however, each should be spelled out at least at its first occurrence (¶0099, GECIS and H.P.).

Appropriate correction is required.

#### *Claim Objections*

5. Claims 2-4, 6-12, 14-16, 24, 29, 35, 37-40, 42-50 are objected to because of the following informalities:

- a. Regarding claim 3, the last line, “invoice” appears to be incorrect. The specification at ¶0041 reads, “record application” and other portions of the specification and drawings use “payment application.” The feature has been treated as record application.
- b. Regarding claim 10, the second line is unclear whether the “-” is intended to be a dash between the two term adjustments capacity and number of credit memos, or a minus sign in an equation. The symbol “-” at line 2 has been treated as a minus sign, just as the symbol is used at line 16. Further, the constant 60 has been interpreted to be 60 hours per minute. Further, line 22, the parenthesis “(without credit memos)” and at the last line, “without credit memos” should be clarified that the element of the equation is the average other adjustments action time because the use of parenthesis appears to be an element of the equation.

- c. Regarding claim 18, it is drawn to a “computer” and dependent upon claim 5, which is a method claim. For purposes of this Office action, the claim has been treated as dependent upon claim 17.
- d. Regarding claim 29, the claim is duplicative of claim 27 with exception of minor grammatical differences and the elimination of a parenthetical term: (minutes). Due to the term being placed in parenthesis in claim 27, it is not clear whether the term is included in the scope of the claim or not, therefore, claim 29 is objected to as being duplicative of claim 27.
- e. Regarding claim 36, the preamble reads, “A *system* financial services business system;” the recitation of “ a storage device” and “a database” is confusing because the specification includes only the database for storing information.
- f. Regarding claims 45-50, the preamble of each claim is to a computer program [embodied on a computer-readable medium]. It appears that applicant intends to claim statutory subject matter that includes functional descriptive material, commensurate with MPEP § 2106,IV,B,1,(a). Therefore, the claims have been interpreted as a computer-readable medium encoded with a computer program to process data and calculate a number of employees, i.e., a structural and functional interrelationship between the program and the computer thereby permitting computer functionality to be realized. The preamble of the claim should be amended in response to this office action.
- g. Throughout the claims, the abbreviation FTE, ISDN, 1MM should be spelled out.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 25-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter.

***Claims 25-35***

A claim drawn to nonfunctional descriptive material, whether or not it is stored on a computer-readable medium, is nonstatutory. In the present application, the claims are drawn to a database or compilation of data, thus the claims are directed to nonstatutory subject matter, not a computer component, and they do not become statutory by merely recording the data or nonfunctional descriptive material on a database, i.e., storage medium.

***Claim Rejections - 35 USC § 112, first paragraph***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 2-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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- a. The equations set forth in the specification are confusing in that the units for the computations are not consistent with the desired result. For example, ¶0036-0037 and 0040-0041, requires the numerator unit of measure to be

*(items) x (hour) x (hour) x (second / minute) x (minute / hour) x (no unit measure)*  
*or "item hour second"*

the denominator unit of measure is

*(second)*

therefore, the equation unit of measure is *item hour*. This is confusing since the equation is supposed to be used to determine capacity not time.

- b. For example, claim 4 the numerator unit of measure is

*(second) x (items)*

the denominator unit of measure is

*(hour) x (hour) x (second / minute) x (minute / hour) or "hour."*

therefore, the equation unit of measure is *item seconds per hour*. This is confusing since the equation is supposed to be used to determine capacity.

- c. For example, ¶0044-0050, the specification is unclear as to how the collections capacity can include the number of customers cleared without collections. If the sum of the numbers is collections capacity, then customers cleared without collections are not part of collections, but rather something else. Also, the elements of the equation where the second and third elements are both defined as a percentage of daily volume as bad debt times daily volume in dollars times average customer past due amount [in dollars]. Further, as to the unit measure of the second and third elements of the equation, they have

no units, but rather are a percentage times dollars divided by dollars. The first element is defined in terms of FTEs.

Clarification is required. New matter should not be added.

***Claim Rejections - 35 USC § 112, second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-6, 11, 12, 26, and 38-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 26, the recitation of at least one of is not followed by more than one element of the claim, but only one element follows: “a monthly volume for each month of the calendar year.” The claim should be clarified as to what is the scope of the claim.

The equations set forth in the claims are confusing in that the units for the computations are not consistent with the desired result. Looking to the specification without incorporating limitations from the specification, the elements of the capacity equation at ¶0034 are defined differently than the equations that follow in the specification and claims. Each claim should be reviewed.

a. For example, claims 2 and 3, requires the numerator unit of measure to be

*(items) x (hour) x (hour) x (second / minute) x (minute / hour) x (no unit measure)*

*or “item hour second”*

the denominator unit of measure is

*(second)*

therefore, the equation unit of measure is *item hour*. This is confusing since the equation is supposed to be used to determine capacity not time. Further, when multiplying 8 hours per day times 5 productive hours, the result is not the number of hours but rather hours<sup>2</sup>.

b. For example, claim 4 the numerator unit of measure is

*(second) x (items)*

the denominator unit of measure is

*(hour) x (hour) x (second / minute) x (minute / hour) or "hour"*

therefore, the equation unit of measure is *item seconds per hour*. This is confusing since the equation is supposed to be used to determine capacity.

c. For example, claim 5, the specification is unclear as to how the collections capacity can include the number of customers cleared without collections. If the sum of the numbers is collections capacity, then customers cleared without collections are not part of collections, but rather something else. Also, claim 6 defines the elements of the equation where the second and third elements are both defined as a percentage of daily volume as bad debt times daily volume in dollars times average customer past due amount [in dollars]. Further, as to the unit measure of the second and third elements of the equation, they have no units, but rather are a percentage times dollars divided by dollars. The first element is defined in terms of FTEs.

d. For example, claim 11, there are parenthesis lacking: The claim is not clear as to whether the funding error rate should be multiplied by the constant that precedes it in the equation, or multiplied by the entire sum that precedes it, or multiplied by the two

constants that precede it. Further, the recitation of the baseline funding error rate has been interpreted to be a baseline funding error rate.

- e. For example, claim 12, there are parenthesis lacking. The last line of the claim reads,  $(1 + 0.4 \times 1.5)$ . Is 1.5 multiplied by 0.4 or 1.4?
- f. For example, claim 41, the alternative recitation at line 12 renders the claim indefinite for failing to particularly point out and distinctly claim the invention. Is it the calling or write-off collections activity that is intended to be included in the scope of the claim?
- g. For example, claim 39, the equation sets forth the number of backlogged invoices as new manual invoices plus backlogged invoices minus invoices processed. This is confusing because the number of backlogged invoices is determined by adding the number of backlogged invoices. The claim is not clear as to how to calculate the number of backlogged invoices because the number of backlogged invoices is necessary to calculate the number of backlogged invoices as recited in the equation presented in the claim. Claim 40 has a similar problem.
- h. For example, claim 42, the equation sets forth in the claim defines the number of collections FTEs as [a calculated amount] minus a number of collections FTEs. This is confusing because the number of collections FTEs is being defined by subtracting the number of collections FTEs, but the definition of the number of collections FTEs cannot be determined without first determining the number of collections FTEs.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Rode (article,

Determining indicators of patient financial services performance).

Regarding claim 1, Rode discloses method steps of prompting a user to input data relating to at least one of volume, assignments, cash application, adjustments, collections, client services, tolerances, labor, file/mail/imaging, and capacity (collections, for example, (P.105, c.1, ¶1); determining whether the staff has capacity to carry out tasks (ensure staff members have enough time to do their jobs and/or use as basis for requesting more staff, P.105, c.1-2); and displaying at least one scenario generated from the input data and capacity determination (an analysis of the data would inherently include a display of the data and the scenarios such as discussed at P.104, c.3, ¶4).

Regarding claims 2 and 3, Rode further discloses determining capacity of various areas of accounts management including invoice processing (billing) and cash application (payment).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 7, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rode (article, Determining indicators of patient financial services performance) in view of Arizona Daily Star (article, 'FTE' is method of counting part-timers).

Regarding claim 4, Rode is silent as to the particular formula used determine the number of full time equivalents.

The examiner takes official notice that the determination of the number full time equivalents used in a business is well known analyzing and forecasting of business entities as evidenced by the use of full time equivalents to compare companies which have employees who are part-time with companies who have full-time employees or a combination of full and part-time employees. The article in the Arizona Daily Star is an example of the prior art that is representative of the official notice that has been taken.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include a determination of the number of full time equivalents using a mathematical formula taking into consideration the amount of work that is expected to be accomplished in a given period of time.

Regarding claims 7, 8 and 11, the examiner takes official notice that in the business management field of endeavor, the analysis of a business requires review of numerous areas or aspects of they business, e.g., staff, productivity, costs, customer service, etc. Use of the same general formula for calculating full time equivalents in various areas or aspects of a business would have been obvious to one of ordinary skill in the art at the time the invention was made, in order to make staffing decisions in each area of a business.

11. Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rode (article, Determining indicators of patient financial services performance).

Regarding claims 5 and 6, Rode is silent as to the type of analysis that may be performed relative to a particular department within the financial services department.

The examiner takes official notice that the use of summation is a well known statistical expedient for measuring a quantity of work for a particular work unit. And the statistical analysis of a business is its competitive advantage in the market place. Further, the use of effectiveness to measure a performance objective is well known in business operations analysis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include a summation of the work performed by the collections department in order to analyze the work performed by a work unit, e.g., to make determinations of work efficiency or staff sufficiency.

Regarding claim 10, the examiner takes official notice that businesses issue credit memos as part of their financial service. The examiner further takes official notice that the use of triggers to signal business decisions is well known in the business field of endeavor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include the number of credit memos as part of the determination of capacity for the financial services department of a business.

No weight has been given to the constants in the equation insofar as the significance of the constants has not been disclosed or claimed. The use of commerce or e-commerce has no significance in the method, as claimed.

12. Claims 9 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rode (article, Determining indicators of patient financial services performance) in view of Jooss (article, Raising the bar).

Regarding claims 9 and 12, Jooss teaches the use of software to plan schedules and determine costs related to a service center. (For example, Jooss warns against hiding costs, p.47, col.3, ¶2, associated with forecasting and accurate data collecting.) The Jooss cost determinations are inherently based on the outlay of money to perform true service to customers. Jooss further teaches using the process tool (depicted in the figure on page 46) of forecasting volume, calculating full time equivalents requirements, building a schedule, and comparing results with expectations in other departments of a business entity (p.47, col.3, last paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include analysis of cost to perform services, such as suggested by the cost determinations of Jooss, as an information resource not just for client service costs, but throughout a business entity, including adjustments full time equivalents costs.

13. Claims 13-15, 17, 18, 22, 25-37, 39-41, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rode (article, Determining indicators of patient financial services performance) in view of Reilly (US-5842193).

Regarding claims 13-15, Rode discloses the steps of prompting a user to input data relating to at least one of volume, assignments, cash application, adjustments, collections, client services, tolerances, labor, file/mail/imaging, and capacity (collections, for example, (P.105, c.1,

¶1); determining whether the staff has capacity to carry out tasks (ensure staff members have enough time to do their jobs and/or use as basis for requesting more staff, P.105, c.1-2); and displaying at least one scenario generated from the input data and capacity determination (an analysis of the data would inherently include a display of the data and the scenarios such as discussed at P.104, c.3, ¶4). Rode further discloses determining capacity of various areas of accounts management including invoice processing (billing) and cash application (payment).

Reilly teaches use of a computer, storage device, server, and database to plan and analyze business processes using data and activity objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode, to include a computer, storage device, server, and database, such as taught by Reilly, in order to ensure that the information being used for the business model is current, accurate, and available to others.

Regarding claims 17 and 18, Rode is silent as to the type of analysis that may be performed relative to a particular department within the financial services department.

The examiner takes official notice that the use of summation is a well known statistical expedient for measuring a quantity of work for a particular work unit. And the statistical analysis of a business is its competitive advantage in the market place. Further, the use of effectiveness to measure a performance objective is well known in business operations analysis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include a summation of the work performed by the collections department in order to analyze the work performed by a work unit, e.g., to make determinations of work efficiency or staff sufficiency.

Reilly teaches use of a computer, storage device, server, and database to plan and analyze business processes using data and activity objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Rode, to include a computer, storage device, server, and database, such as taught by Reilly, in order to ensure that the information being used for the business model is current, accurate, and available to others.

Regarding claim 22, the examiner takes official notice that businesses issue credit memos as part of their financial service. The examiner further takes official notice that the use of triggers to signal business decisions is well known in the business field of endeavor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include the number of credit memos as part of the determination of capacity for the financial services department of a business.

No weight has been given to the constants in the equation insofar as the significance of the constants has not been disclosed or claimed. The use of commerce or e-commerce has no significance in the method, as claimed.

Regarding claims 25-35, the claims are drawn to nonfunctional descriptive material, i.e., a compilation of data. The particular type of data is not manipulated in the claim, but rather is simply part of a database. The above combination of Rode and Reilly, includes a database that contains data used to analyze a business entity in accordance with the claimed invention. Thus, the database in the above combination includes the data as claimed.

Regarding claim 36 and 41, the above combination inherently includes a computer, storage device, server, and database.

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Regarding claim 37, the Rode and Reilly combination includes a network that permits entry and review of data. The particular type of network is not disclosed, however, the use of an intranet and/or local area network would be inherent in that the manager reviews the information and computations related to the business entity.

Regarding claims 39 and 40, the calculated backlog of invoices and records are merely a total of incomplete work that must be considered when staffing a project. The examiner takes official notice that the level of skill in the business art is such that one of ordinary skill in the art at the time the invention was made would have included not only incoming work but also work that was already started in order to determine the adequacy of staffing. As such, the claimed combination (of compiled data, i.e., functional descriptive material) is met by the prior art in view of the fact that consideration of all work that needs to be completed would necessarily be analyzed by a business entity when determining staffing for example.

Regarding claim 45, the above combination comprises a computer-readable medium and computer-executable code as noted in the above rejection(s).

14. Claims 16, 19, 20, 23, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rode (article, Determining indicators of patient financial services performance) in view of Arizona Daily Star (article, 'FTE' is method of counting part-timers) and further in view of Reilly (US-5842193).

Regarding claim 16, Rode is silent as to the particular formula used determine the number of full time equivalents.

The examiner takes official notice that the determination of the number full time equivalents used in a business is well known analyzing and forecasting of business entities as evidenced by the use of full time equivalents to compare companies which have employees who are part-time with companies who have full-time employees or a combination of full and part-time employees. The article in the Arizona Daily Star is an example of the prior art that is representative of the official notice that has been taken.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include a determination of the number of full time equivalents using a mathematical formula taking into consideration the amount of work that is expected to be accomplished in a given period of time.

Reilly teaches use of a computer, storage device, server, and database to plan and analyze business processes using data and activity objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Rode, to include a computer, storage device, server, and database, such as taught by Reilly, in order to ensure that the information being used for the business model is current, accurate, and available to others.

Regarding claims 19, 20, 23, and 42-44, the examiner takes official notice that in the business management field of endeavor, the analysis of a business requires review of numerous areas or aspects of they business, e.g., staff, productivity, costs, customer service, etc. Use of the same general formula for calculating full time equivalents in various areas or aspects of a business would have been obvious to one of ordinary skill in the art at the time the invention was made, in order to make staffing decisions in each area of a business.

15. Claims 21, 24, 38, and 46-50, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rode (article, Determining indicators of patient financial services performance) in view of Jooss (article, Raising the bar) and further in view of Reilly (US-5842193).

Regarding claims 21 and 24, Jooss teaches the use of software to plan schedules and determine costs related to a service center. (For example, Jooss warns against hiding costs, p.47, col.3, ¶2, associated with forecasting and accurate data collecting.) The Jooss cost determinations are inherently based on the outlay of money to perform true service to customers. Jooss further teaches using the process tool (depicted in the figure on page 46) of forecasting volume, calculating full time equivalents requirements, building a schedule, and comparing results with expectations in other departments of a business entity (p.47, col.3, last paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rode to include analysis of cost to perform services, such as suggested by the cost determinations of Jooss, as an information resource not just for client service costs, but throughout a business entity, including adjustments full time equivalents costs.

Reilly teaches use of a computer, storage device, server, and database to plan and analyze business processes using data and activity objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Rode and Jooss, to include a computer, storage device, server, and database, such as taught by Reilly, in order to ensure that the information being used for the business model is current, accurate, and available to others.

Regarding claim 38, the above combination comprises a system for computing daily capacity insofar as the number of employees to be schedule for any given day is calculated.

Regarding claims 46-50, the above combination comprises a computer-readable medium and computer-executable code as noted in the above rejection(s). The examiner takes official notice that in the business management field of endeavor, the analysis of a business requires review of numerous areas or aspects of they business, e.g., staff, productivity, costs, customer service, etc. Use of the same general formula for calculating full time equivalents in various areas or aspects of a business would have been obvious to one of ordinary skill in the art at the time the invention was made, in order to make staffing decisions in each area of a business.

### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Keller (article, Best practices in accounts receivable) teaches reducing days' sales outstanding; accounts receivable personnel spend most time working with customers to reduce days' sales outstanding, but also spend time on other tasks; successful companies evaluate and modify systems and procedures from various perspectives; accounts receivable programs use algorithms for invoice processing.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tamara L. Graysay  
Examiner  
Art Unit 3623

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